

## PRETRIAL DUI DIVERSION INFORMATION SHEET

If you have been charged with Driving Under the Influence of Alcohol and/or Drugs or an alcohol related charge, you may be eligible for consideration for the City of Wichita Diversion Program **ONLY IF:**

You have **NEVER** been convicted of such a violation in this or any other state, or have not previously participated in Diversion of an alcohol-related offense.

Your actions did not result in an automobile accident causing personal injury to yourself or others.

Defendants with a commercial driver's license may not be eligible for the DUI Diversion Program.

YOU **MUST** APPLY FOR DIVERSION WITHIN 60 DAYS FROM YOUR **INITIAL** ARREST FOR DUI, **and** PAY THE \$25.00 APPLICATION FEE.

If your application for Diversion is accepted, the City will postpone criminal proceedings on the charge(s) against you for one year. In return you must do the following:

\*1. PAY ALL COSTS, FINES & FEES: (SEE LAST PARAGRAPH)

Fine .....	\$500.00
Evaluation Fee .....	150.00
Diversion Fee .....	150.00
Wichita Intervention Program Fee .....	250.00
Application Fee. ....	25.00
Court Costs .....	<u>60.00</u>
TOTAL	\$1135.00

You will be responsible for all additional court costs incurred during the course of your case.

2. Attend and complete the 48-hour Wichita Intervention Program and pay the \$250 fee. You must also pay the cost of any additional treatment. The agency providing the service will assess the cost.
3. Agree to waive your constitutional rights to a speedy trial and a jury trial on the charges against you.
4. Agree to stipulate to all police reports pertaining to the facts and circumstances of the charges against you.
5. Agree to abide by whatever conditions the City Attorney or the Municipal Court Probation Office feels appropriate.

Application forms for Diversion are available in the Municipal Court Clerk's Office – 2nd Floor, City Hall, 455 No. Main - and must be filed with the Probation Office. When your application is filed, you will be given a date for a Diversion conference with the Probation Office and a Court hearing date - both of which you **MUST** attend. Failure to attend the Diversion conference and/or the Court hearing on time will result in the denial of your application for Diversion.

Diversion conferences **WILL NOT** be rescheduled.

The City Attorney shall consider the following factors among all factors considered in

determining whether Diversion of a defendant is in the interest of justice and of benefit to the defendant and the community:

1. The nature of the crime charged and the circumstances surrounding it;
2. Any special characteristics or circumstances of the defendant;
3. Whether the defendant is a first time offender of an alcohol-related offense and if the defendant has previously participated in Diversion according to the certification of the Division of Vehicles of the State Department of Revenue;
4. Whether there is a probability that the defendant will cooperate with and benefit from Diversion.
5. Whether the available Diversion Program is appropriate to the needs of the defendant;
6. The impact of the Diversion of the defendant upon the community;
7. Recommendations, if any, of the involved law enforcement agency;
8. Recommendations, if any, of the victim;
9. Provisions for restitution;
10. Recommendations of the Probation Office of the Municipal Court of the City of Wichita;
11. Previous traffic and criminal record of defendant;
12. Level of blood or breath alcohol concentration;
13. Any mitigating circumstances.

If you successfully complete the Diversion, the DUI charge and/or alcohol related charge(s) against you will be dismissed after one year. If you fail to complete the requirements of Diversion or violate any of the terms therein, the City Attorney will ask the Court to reinstate the criminal proceedings against you. The matter will then be set for a trial using only the information contained in the police reports, stipulated to in the Diversion Agreement.

\*You must pay \$250.00 on the day you sign the Diversion Agreement - **NO EXCEPTIONS**. The remaining costs are payable in installments over the next 4 months. Persons living out of county and placed on Diversion **must pay the entire amount** on the day they sign their agreement. The \$500 fine can be reduced by community service in exceptional cases.